

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

HOLMAN AUTOMOTIVE GROUP

Plaintiff,

CIVIL ACTION NO. 05-CV-72620-DT

vs.

DISTRICT JUDGE LAWRENCE P. ZATKOFF

CAPPO MANAGEMENT XVII, INC.,  
et al,

MAGISTRATE JUDGE MONA K. MAJZOUB

Defendants.

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**OPINION AND ORDER GRANTING IN PART AND DENYING IN PART  
DEFENDANTS' MOTION TO COMPEL (DOCKET # 41)**

On April 3, 2006 Defendants filed a Motion to Compel Discovery (Docket #41), seeking an order to compel responses to their First Request for Responses to Interrogatories and Production of Documents. Defendants also seek sanctions in the amount of reasonable costs and attorney fees. Plaintiff responded to Defendants' motion and Defendants replied. District Court Judge Lawrence P. Zatkoff referred said motion to the undersigned for hearing and determination pursuant to 28 U.S.C. § 636(b)(1)(A). All parties appeared through counsel for oral arguments on May 22, 2006 and September 27, 2006. This motion is now before this Court.

\* \* \* \* \*

Defendants seek an order compelling Plaintiff to respond more completely to Defendants' First Request for Responses to Interrogatories and Production of Documents dated January 26, 2006. Specifically, Defendants seek supplemented/amended responses to Interrogatories numbers 7, 8 and 9 and Requests for Production of

Documents numbers 8 and 9. Plaintiff responds that 1) the documents have already been produced that contain the answers to Defendants' interrogatories and requests for production of documents, or, 2) alternatively, that the information being sought does not exist and/or cannot be extrapolated in response to Defendants' interrogatories and requests for production of documents.

Based upon the parties' pleadings and arguments at the hearings, the Court hereby **GRANTS IN PART AND DENIES IN PART** Defendants' Motion to Compel (Docket # 41) for the reasons stated on the record at the September 27, 2006 hearing.

The Court hereby **GRANTS** Defendants' Motion to Compel and **ORDERS** Plaintiff to amend and fully supplement its responses to Defendants' Interrogatories number 7, 8, and 9 dated 1/26/06 and Defendants' Request for Production of Documents numbers 8 and 9 dated 1/26/06 **on or before October 6, 2006** in a manner consistent with the discussion held on the record.

The Court hereby **DENIES** Defendants' Motion to Compel to the extent that Defendants request sanctions. The Court, in its discretion, concludes that the facts presented on the record do not warrant the imposition of sanctions against Plaintiff at this time.

**IT IS SO ORDERED.**

**Notice to the Parties**

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: September 28, 2006

s/ Mona K. Majzoub  
**MONA K. MAJZOUR**  
**UNITED STATES MAGISTRATE JUDGE**

**Proof of Service**

I hereby certify that a copy of this order was served upon Counsel of Record on this date.

Dated: September 28, 2006

s/ Lisa C. Bartlett  
**Courtroom Deputy**